

the past 2 years, the Republican majority has already bent, broken or ignored the rules governing committee consideration of judicial nominees. This year they are moving to destroy the one Senate rule left that allows the minority any protection and any ability to protect the rights of the American people.

In political speeches we all talk about the importance of the rule of law. In Iraq over the last 2 years, young Americans have given the ultimate sacrifice seeking to help establish a democracy that upholds the rule of law. The governing transitional law that the Bush administration helped design for Iraq calls for a two-thirds vote of the Iraqi legislature to select the president and vice presidents. This was created to protect the minority and encourage consensus. Just today we hear that the long period of negotiations following the Iraqi elections has yielded an agreement on the presidency council, which is the next step in forming an Iraqi government, and that the Iraqi national assembly expects to have the two-thirds vote required to proceed to name a Kurdish leader, a prominent Shiite Arab politician and a Sunni Arab leader as the president and the two vice presidents of Iraq. While we recognize and fight for consensus-building and minority protection in Iraq, Republican partisans here at home are threatening the nuclear option to remove protection for the minority in the U.S. Senate. That is wrong.

When President Bush last met earlier this year with President Putin of Russia, he spoke eloquently about the fundamental requirements of a democratic society. President Bush acknowledged that democracy relies on the sharing of power, on checks and balances, on an independent court system, on the protection of minority rights and on safeguarding human rights and human dignity. What we preach to others we should practice. Destroying the protection of minority rights, removing the Senate as a check on the President's power to appoint lifetime judges and undermining our independent Federal judiciary are inconsistent with our democratic principles and values but that is precisely what the nuclear option would do.

Breaching the Senate rules to eliminate filibusters of nominations will only produce more division, bitterness and controversy. To date the Senate has proceeded to confirm 204 lifetime appointments to the Federal judiciary by President Bush. The Senate has refused to grant its consent to only a handful of his most controversial and divisive nominees and only after public debate and the votes of a substantial number of Senators. Those who now threaten the nuclear option were willing to forestall votes on more than 60 of President Clinton's moderate and qualified judicial nominees if only one anonymous Republican Senator had a secret objection.

The way to resolve this conflict is for the President and Senate Republicans to work with all Senators and engage in genuine, bipartisan consultation aimed at the appointment of consensus nominees with reputations for fairness who can gain wide support and join the more than 200 judges confirmed during President Bush's first term. By last December, we had reduced judicial vacancies to the lowest level, lowest rate and lowest number in decades, since President Ronald Reagan was in office.

There are currently 28 judicial vacancies for which the President has delayed sending a nominee. In fact, he has sent the Senate only one new judicial nominee all year. I wish he would work with all Senators to fill those remaining vacancies rather than through his inaction and unnecessarily confrontational approach manufacture longstanding vacancies.

There are currently two of his nominees, Michael Seabright of Hawaii and Paul Crotty of New York, who the Republican leadership refuses to schedule for consideration. I believe that those nominees can be debated and will be confirmed by overwhelming bipartisan votes, if the Republican leadership of the Senate would focus on making progress instead of seeking to manufacture a crisis. They can become the first judges confirmed this year. Let us join together to debate and confirm these consensus nominees.

Rather than blowing up the Senate, let us honor the constitutional design of our system of checks and balances and fill judicial vacancies with consensus nominees without unnecessary delay.

EXHIBIT 1

[From the Times Argus, Apr. 6, 2005]

TIME TO STAND UP

Republicans and Democrats are headed for a showdown in the Senate over the Democrats' insistence that, for a handful of extreme and ill-suited judicial nominees, it will use the filibuster to block action. Sen. Patrick Leahy, ranking Democrat on the Senate Judiciary Committee, will be in the center of the fight.

Republicans have responded to the prospect of Democratic filibusters by threatening to throw out the rule allowing filibusters for judicial nominees. Democrats say that if that happens they will halt all but the most essential Senate action.

The battle over the judiciary is a central political struggle of our time. The congressional effort to meddle in the Terri Schiavo case was a prelude to the battle over the courts, and it revealed the dangerous degree to which the nation's Republican leaders intend to twist the judiciary to their will.

The party line among Republicans is that they favor judges who interpret the law rather than making it. They don't want judges imposing outcomes or crafting decisions to carry out a personal agenda.

Yet the astonishing comments by Rep. Tom DeLay, House Republican leader, show the Republicans' true aim. DeLay revealed that, above all, he wants to impose outcomes. The outcome in the Schiavo case didn't go his way so he began talking of impeaching the judges involved. Judges whose independence is curbed by that kind of intimidation will be forced into outcomes demanded by politics, not by the law.

The Schiavo case passed before judges in state and federal courts, the federal appeals court, even the U.S. Supreme Court, and all those judges, liberal and conservative, ruled that Terri Schiavo's expressed wishes, as conveyed by her husband, should prevail. There has been much debate about whether the husband was reliable and whether the medical diagnosis was correct. But those questions went to judgment in the courts. That is what courts are for. The judiciary is independent so that courts can weigh facts in a calm and reasoned fashion, free of political pressures or the enthusiasms of enflamed groups. Sometimes we don't agree with the outcome, but citizens, like judges, are not supposed to impose outcomes.

Intimidation of the judiciary was also the approach of former Attorney General John Ashcroft, who sought to discipline judges who acted counter to his wishes. Abolishing the filibuster for judicial nominees is another, more extreme, form of intimidation.

The Republican critique of the judiciary suggests they believe judges are somehow outside the democratic system, that they have no business thwarting the workings of the legislative branch. But judges are an essential part of the democratic system. For one, they are appointed by the elected executive and confirmed by elected senators. And they exist to safeguard our democratic system when the legislative or executive branches try to ride roughshod over the law.

In the Schiavo case, the executive and legislative branches sought to abolish the constitutional role of the judiciary as an independent branch. In those cases where President Bush's judicial nominees exhibit similar lack of respect for the law, senators have the duty to oppose them and to stand up against the intimidating tactics of the Republican leadership.

HONORING POPE JOHN PAUL II

Mr. McCONNELL. Mr. President, I rise today with a heavy heart to express my sorrow on the passing of his Holiness, Pope John Paul II.

Karol Jozef Wojtyla, born in the village of Wadowice, Poland, grew up in a poor family, and was an orphan by the age of 21. But by the end of his long, energetic life, he had overseen a new outpouring of faith in the Catholic Church and a renewal of freedom around the world.

With his election in 1978, John Paul became the first non-Italian pope in over 450 years. How fitting that of all the countries to produce the next pope, he came from Poland. In 1978, Poland, like most of Eastern Europe, was straining under the yoke of Soviet domination. The Soviet Communists had dubbed religion "the opiate of the masses," and purposefully destroyed churches, detained or murdered priests, and terrorized worshippers.

The last thing they wanted was a native son of Poland returning there to remind his people of the power of faith.

Despite the Polish Communist government's attempts to prevent his visit, John Paul journeyed to Poland in June 1979. When he arrived he knelt down and kissed the Earth. He made over three dozen public appearances, in Warsaw, in Krakow, even in Auschwitz, and millions of Polish Catholics defined their government to see him. John Paul reminded the world that the

power of faith was stronger than tanks. He told his listeners that Christ could not be removed from human history. He urged them, "be not afraid."

With his visit, John Paul reminded Eastern Europeans that no economic system was more powerful than the human spirit. Within months, the Polish solidarity movement began, and was the first crack in the Iron Curtain. Thanks to continuous pressure by the Pope and other Western leaders, the Soviet empire finally crumbled 12 years later.

John Paul knew something about the power of faith over totalitarianism. In 1944, while studying for the priesthood in Krakow, Poland, the Nazis began rounding up men to forestall an uprising against their brutal regime. They captured 8,000 in Krakow. But they missed 24-year-old Karol, by failing to look in the basement of the house he was staying in. He was down there praying.

John Paul was not a political leader, but a religious one. He was a champion of human freedom because he believed that freedom was a right granted by God. And he wanted to share that message with others. Through his travels, John Paul took the Christian faith to more people in more places than anyone else has ever done. In his 27 years as Pope, he made 104 foreign trips, the most in papal history. Fluent in seven languages, he spoke directly to people the world over.

More than any Pope before him, John Paul championed a brotherhood of faith between Christians, Jews and Muslims. He was the first pope to visit both a synagogue and a mosque. He referred to the Jewish people as "our elder brothers." His goal was to establish trust and peace between the world's great religions.

In 1994, he established full diplomatic relations between the Vatican and Israel. And in the closing years of the 20th century, he issued the historic document, "We Remember: A Reflection on the Shoah." In it he apologized for the Church's failure to stop the Nazi holocaust.

John Paul made history when, after so many years of working towards reconciliation, he became the first Pope to officially visit the Holy Land in 2000. He visited the sites of Jesus' birth, the Last Supper, crucifixion, burial and resurrection. In Jerusalem, he prayed at the Western Wall. Still in Jerusalem, he visited the al-Aqsa mosque, where Muslims hold that Muhammad ascended to Heaven.

John Paul recognized that worshipers of Judaism, Christianity and Islam, who all too often clash with raised fists, also share the same holy ground. By visiting these sites he reminded us that they belong to none, yet are holy to all.

John Paul was wonderful at delivering his message of love, hope and peace to millions at a time. He holds the record for having been seen, with the naked eye, by more people over his

lifetime than anyone else in the world. As shepherd of the Catholic Church, he increased its number from 750 million to one billion over the globe. But he could also speak directly to just one man.

Take a man named Mehmet Ali Agca. On May 13, 1981, Agca shot the pope as he rode in a jeep driving through St. Peter's Square, and wounded him in the abdomen, right arm and left hand. John Paul was rushed to surgery and remained there for 5 hours. Part of his intestines had to be removed, and this man, a former skier, hiker and mountain climber, never fully recovered from this murderous attack.

But 2 years after the shooting, John Paul went to visit Agca in an Italian prison. The apostle and the assassin spoke face to face, and John Paul forgave Agca for attempting to kill him. In 1999, the Vatican endorsed clemency, and the Italian Government pardoned Agca a year later.

Right up until the end of his life, John Paul continued to teach us moral lessons. By continuing his duties through his ill health, he reminded us that all life has value and there is no such thing as a disposable human being.

We have lost a great moral leader, whose counsel will be missed as we continue to fight for freedom against the forces of violence, intolerance and hatred. It will be hard to fill the vacuum John Paul has left. His wisdom and fearlessness spoke not just to Catholics, but also to all Christians, Jews, Muslims, and the religions of the world. As we face a future without him, we must go forward as he did, with confidence in the human soul to find meaning amidst the chaos. And we must "be not afraid."

Mr. DODD. Mr. President, I rise to pay tribute to Pope John Paul II, who passed away on Saturday, April 2, 2005.

I certainly will not be able to capture Pope John Paul's entire legacy in these few words. He was a truly remarkable individual who led a truly remarkable life.

Pope John Paul II was a man who had a deep commitment to human freedom political freedom and economic freedom certainly, but more importantly, a freedom of the human soul from the bondage and burdens of tyranny, oppression, and poverty. As a young man who came of age during World War II, he opposed Nazism. One of his first encyclicals as Pope was in support of workers' rights. During the 1980's, he was one of the leading world figures who helped bring about the end of communism. And he warned us all against the dangers of unbridled capitalism, particularly for those who are less fortunate.

Without a doubt, Pope John Paul II was the most ecumenical Pope the world has ever seen. It is fitting that his passing has sparked an outpouring of appreciation not simply from Catholics, but from people of all faiths.

John Paul II visited 129 countries outside of Italy by far the most of any

Pope. He was the first Pope to visit a synagogue or a mosque. He visited the Western Wall in Israel and apologized for the Church's failure to resist and speak out against the Holocaust. Like no other Pope before him, he used his position to build bridges of understanding and respect between different faiths.

Pope John Paul II did not merely give sermons. He led by example. This was particularly evident when it came to the issue of forgiveness. Many of us often talk about forgiveness in an abstract sense. In January 1981, the Pope survived a bullet wound from a would-be assassin. Two years later, he visited and forgave the man who made an attempt on his life.

The Pope was an incredibly charismatic individual. A former actor, he used the skills he developed on stage to his advantage. I was fortunate enough to meet personally with him twice. Like so many, I was impressed not only by his thoughtfulness, and by the depth of his spiritual sentiment, but by his great human vitality, as well as his sense of humor.

In many ways, John Paul II was the first "modern pope." Born in this century, he lived through a world war and saw the emergence of the new threat of terrorism. He witnessed the dawn of the space age, as well as the developments of modern air travel, the computer, and the internet. A great deal of his time was devoted to addressing the tensions that often exist between modern society and Church traditions and doctrines.

The world truly lost an extraordinary leader this past Saturday. His message of faith, hope, and peace inspired millions, even in his final days. I share in the mourning of his passing, and I add my words of tribute to those of so many who have offered them in recent days.

Mr. NELSON of Florida. Mr. President, I pay tribute to Pope John Paul II, not only as a leader of the world's 1.1 billion Catholics, but also someone who was a moral leader in our troubled world. I was privileged to have met this Pope twice in my life while representing the people of Florida. I will always remember his devotion to faith, his intellect and his charm but, mostly, I will remember his overwhelming humility.

I was struck by how a man in a position of such awesome power could be so humble. And I believe people around the world saw this, too, which is why millions came to see and hear him during his visits to 129 different countries. His words of freedom and peace penetrated the human heart.

John Paul II was also a man of great courage, who learned firsthand the suffering of the Polish people he later would come to serve. As a young man, he performed forced labor at the hands of the Nazis but challenged their rule. As the archbishop of Krakow, he defied communist rulers, telling his countrymen no one could take faith and hope from their hearts.

He used his 26-year papacy to spread the message of freedom and peace to all corners of the world, and did so with vigor. His international trips always served a higher purpose, for he always sought to bring people together as equals in God's eyes. At one large gathering of youth, the faithful chanted, "We love you; we love you." When they quieted, the Pope humbly responded, "I love you more." He also inspired open communication among the world's faiths, as the first Pope to enter the main Jewish synagogue in Rome and the first to enter a mosque.

When he was selected to be the church's 264th Pope, his first words to the public were: "Be not afraid." Indeed, Pope John Paul II taught people around the world they need not fear those who try to oppress, nor fear those who might be different. As the world mourns his passing, we all should try to heed his words.

PRESIDENT VIKTOR YUSHCHENKO'S ADDRESS TO CONGRESS

Mr. DURBIN. Mr. President, today, Viktor Yushchenko, President of Ukraine, addressed a joint meeting of the United States Congress. I was honored to be part of the committee that escorted President Yushchenko into the House Chamber.

President Yushchenko's courage and commitment to democracy have inspired thousands of people in Illinois, and millions more in this country and throughout the world. In Illinois, we have a sizable Ukrainian-American population, particularly in Chicago. My son lives in a section of Chicago known as Ukrainian Village, and soon after President Yushchenko's election, the neighborhood was covered with orange ribbons in celebration.

Yesterday, President Yushchenko and his wife, Kathy Chumachenko-Yushchenko, a native of Chicago, visited the Windy City. I am glad they had the chance to experience our Illinois hospitality during their brief trip to the United States.

Just last month, I traveled to Ukraine as part of a bipartisan congressional delegation. There, I met with President Yushchenko and members of his government, and had the chance to see for myself a nation newly aglow in the light of democracy.

The story of President Yushchenko's election as the President of Ukraine is a story of great personal courage. It is a story of the power of democratic values and ideals. It is a story of what can be accomplished by individuals, united in peaceful protest against corruption, cronyism, and unfettered power.

President Yushchenko was elected as President of Ukraine despite a powerful array of opposing forces which, in pursuit of their ambitions, were willing to obstruct free assembly, free speech, and a free and fair democratic election. He ran for President at great risk to his own life. And he prevailed.

President Yushchenko spoke today with optimism and with hope for Ukraine's future as a democratic country. He said of his country, "We want a government of the people, by the people, and for the people." This is a desire that we as Americans understand and share. I look forward to working with my colleagues in Congress and with President Yushchenko to help nurture the flame of democracy that has started to burn so brightly in Ukraine.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On March 1, 2005, a man was found murdered in Daly City, CA. The victim, who was dressed in women's clothing, was found with multiple stab wounds to his chest and abdomen. Police have identified gender identity and sexual orientation as possible motives.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ZIMBABWE ELECTIONS

Mr. FEINGOLD. Mr. President, I rise to express my concern regarding the recent election in Zimbabwe, which secured sweeping powers for the ruling ZANU-PF party. These results come as no surprise. In addition to reported irregularities on voting day itself, the ruling party had waged a campaign of intimidation, coercion, and institutional manipulation well in advance of the balloting in order to ensure victory.

Last month I joined Senator MCCAIN in writing to Secretary Rice, urging her to reaffirm the United States commitment to supporting genuine democratic processes and institutions in that troubled country. The U.S. needs a post-election strategy in Zimbabwe for supporting civil society, encouraging respect for civil and political rights, and bolstering the forces fighting against corruption.

We also need to continue to plan for the future. Once Zimbabwe's corrupt leadership finally released its grasp on power, the country will require substantial international assistance to turn around its devastating economic decline and to rebuild institutions,

such as the once-independent judiciary, so that the rule of law can be effectively restored. Too many Zimbabwean youths have been traumatized, pressed into service in brutal pro-ruling party militia forces, enduring serious abuse and then often becoming abusers themselves. These young men and women, too, will need support and assistance to find their way back on a path toward the futures they once dreamed of as children.

I hope that soon the people of Zimbabwe will be given a chance to freely express their will in a genuine democratic process that is free from manipulation, intimidation, and coercion. As we prepare ourselves to be good partners to the people of Zimbabwe when change finally does come, we must also take a hard look at the disappointing passivity of leaders in many southern African states who have failed to speak and act in support of basic human rights and the rule of law in their own neighborhood. These decisions raise real doubts about the commitment of these regional leaders to democracy, and over the long term, these failures threaten the prospects for stability and prosperity throughout the region. South Africa, with its painful history, its tremendous promise, and its special moral authority, might have been a powerful protector of the rights of the people of Zimbabwe. Instead, South Africa's leadership has chosen, time and again, to sweep repression and abuse in Zimbabwe under the rug and to lend support to a bullying President who would rather destroy his own country than accept the rule of law and let real power rest with the Zimbabwean people. This South African choice is perhaps one of the greatest disappointments of all.

The people of Zimbabwe have suffered through years of economic and political catastrophe. Those of us who have watched this decline feel tremendous frustration and real sadness as we observe what has happened to their country. But we must not surrender to hopelessness, and we must not give up. I continue to be deeply moved by the bravery and patriotism of Zimbabwean citizens who resist the state's repression, even at enormous personal cost. The United States must remain committed to working with them to ensure that the people of Zimbabwe succeed in their fight for freedom and genuine democracy.

BOY SCOUTS

Mr. INHOFE. Mr. President, I rise today to honor an important institution in America that has contributed greatly to the quality of our youth and is very dear to my heart and the hearts of many here—the Boy Scouts of America.

For more than 90 years, the Scouts have supported our youth and helped produce some of the best and brightest leaders in our country—as many of my colleagues can attest—and I believe we